

## **SECTION 5 - NON-CONVENTIONAL PUPILS**

A non-conventional pupil is a pupil who does not attend school on the traditional basis such as attending classes first period through last period in the same building at the resident district. A non-conventional pupil may participate in special programs such as (but not limited to) cooperative education, postsecondary education, or shared time. The non-conventional pupil may attend school on a split schedule or a reduced schedule. This pupil may attend a school district other than the pupil's resident district through schools of choice, parent paid tuition, or alternative education. The non-conventional pupil's schedule may be interrupted by travel from one school district to another district or by the inability of attending school at all. This group of pupils is considered high risk (from a membership aspect), therefore, a listing of all such pupils must be available for the pupil accounting auditor. The various types of non-conventional pupils, requirements for counting the FTE, the determination of which district may count the pupil, and other particular requirements are reviewed in this section.

### **ALTERNATIVE EDUCATION PROGRAM**

Alternative Education is a K-12 program that varies in its delivery from the traditional kindergarten through twelfth grade setting. An alternative classroom may vary from a small group of pupils from several grade levels receiving instruction for several subject areas from one certified teacher in a nongraded classroom setting to a program lab in which the certified teacher is present and the pupils work at his or her own pace on assigned subject matter. These pupils may attend on a part-time basis for several hours per day for specified subjects or a pupil may attend a one-on-one teacher/pupil session several times a week. The classes must be of subjects that are acceptable for a pupil to earn credit toward a high school diploma or grade level progression.

There are any number of reasons a pupil may be enrolled in an alternative education program such as: a pupil who was expelled from school under the mandatory expulsion rules in Section 1310, 1311, or 1311a of the revised school code, a pupil who was expelled from school under local district policy, a pupil who was referred by the court system, a pupil who is pregnant or is a parent, or a pupil who was previously a dropout pupil.

The measurement of the FTE count for an alternative education pupil for membership purposes remains the same as those requirements as any other K12 pupil with few exceptions; thus, the alternative education pupil FTE count is based upon the pupil's age, enrollment, class-by-class attendance, and residency. (See sections 1-4)

#### **A. Days and Clock Hours of Pupil Instruction**

Alternative education programs are required to meet the minimum requirement of 180 day and 1,098 hours of pupil instruction. A waiver to operate for fewer days and/or fewer hours for a given year may be granted to a department approved alternative education program by the Superintendent of Schools upon application by the school district. The district must meet the terms of the waiver to avoid penalty of the district's state school aid. An alternative education program that operates on a

separate calendar from the district's remaining K-12 buildings/programs must meet the 75% attendance requirement on its own.

**B. Pupil Eligibility**

A pupil may be enrolled in an alternative education program under a court order, through a cooperative agreement among several school districts, or by personal choice. The alternative education pupil must meet the age and residency requirements for K12 pupils. Nonresident pupils must have a release form from the resident district, **except** a release form is not required for pupils:

- @ enrolled under a court order
- @ a pupil that has been expelled from the resident district for any reason
- @ a pupil that is pregnant or is a parent
- @ or a pupil who had been a drop-out.
- @ enrolled under a cooperative agreement with the resident district.

Determination of which district counts the pupil for membership purposes and how to calculate the FTE count for the alternative education pupil are reviewed below.

**NOTE:** Pupils less than sixteen years of age may not be counted for membership purposes if there are adult education participants in the same class or program.

**1. Pupil Expelled Under Section 1310, 1311 or 1311a** - A pupil that has been expelled under the mandatory expulsion laws, Sections 1310, 1311 or 1311a of the revised school code, **must be** physically separated from the general population of the school district at all times during the school day. **Mandatory expulsions are for dangerous weapons, arson, and sexual assault.**

- a. A pupil in grade 5 or below who has been expelled under the mandatory expulsion laws for the possession of or for threatening another person with a dangerous weapon shall not be reinstated prior to 90 days following the date of expulsion.
- b. A pupil in grade 6 or above who has been expelled under the mandatory expulsion laws for the possession of or for threatening another person with a dangerous weapon shall not be reinstated prior to 180 days following the expulsion date.
- c. A pupil in grade 5 or below who was expelled for reasons other than a firearm or threatening another person with a dangerous weapon may apply for reinstatement at any time.
- d. A pupil in grade 6 or above who was expelled for reasons other than a firearm or threatening another person with a dangerous weapon may apply for reinstatement after 150 days following the expulsion date.

**NOTE:** It is a requirement of IDEA that a district which expels a special education pupil is responsible for placing that pupil in an educational program. The parent or legal guardian of a general education pupil who has been expelled is responsible to find an educational program for that pupil.

A district may choose to continue the mandatory expelled pupil's education through one of the following means:

- e. The expelling district may provide the pupil with instructional time with a certified teacher at a site off campus or at a site on campus that no other pupil from the general population will come into contact with the expelled pupil during the regular school day. This means that instruction may take place at the public library or in the counselor's office after school. The district must provide the pupil with two non-consecutive instructional hours per week under the supervision of a certified teacher.
- f. The expelling district may determine that the best educational environment is an individualized environment in the pupil's home. The district must provide the pupil with two non-consecutive instructional hours per week under the supervision of a certified teacher. (See Home Based)

The FTE for **the pupil who was expelled under the mandatory expulsion law** and has been provided pupil instruction, as described in e or f above, may be counted for 1.0 full FTE.

- g. The expelling district may enroll a pupil in an alternative education program through a cooperative agreement with an intermediate school district or with another local school district. The expelling district counts the pupil for membership purposes. The FTE for such a pupil is prorated based upon the actual annualized hours the pupil is enrolled and in attendance on the count date as bears to the minimum required hours for a full-time pupil.

2. **Cooperative Agreements** - Two or more districts may have an annual cooperative agreement for operating an alternative education program. This agreement must specify the number of pupils that will be enrolled from each participating district, the cost to each district and the means of transportation of the enrolled pupils. The educating district counts the pupil in membership unless the cooperative agreement specifies that each resident district is to count the resident pupils. Following are two exceptions. Under these exceptions, the educating district cannot count the pupil but the expelling district or the resident district must count the pupil for membership purposes.
  - a. **Alternative or Disciplinary program** as described in Section 25, of the State School Aid Act, must be counted by the district expelled the pupil. The educating district is entitled to a pro-ration of the foundation allowance of the expelling district.

- b. **ISD operated cooperative education program** in which the intermediate district serves as the fiscal agent for an alternative education program for several districts. The ISD is ineligible to count the general education FTE; therefore, the resident district must count the pupil for membership purposes.
- 3. **Learning Labs** - an alternative education program that is operated as a learning lab must offer the minimum 180 day and 1,098 hours as is required of all K12 programs.  
Eligibility requirements for counting alternative education pupils in learning center lab must meet the following:
  - a. The pupil must be enrolled in and attending courses that are earning credit toward a high school diploma or a GED certificate.
  - b. The pupil must be scheduled for a specified number of lab hours per week.
  - c. A certified teacher must be present at all times.
  - d. Attendance must be taken and documentation must be provided to ensure that the pupil is in fact attending the number of hours scheduled.

Due to the disposition of learning labs, the count period covers a week beginning on the Wednesday count day and continuing through Tuesday following the count day. A pupil must attend the minimum number of hours the pupil has been scheduled for during any given week. A weekly sign in and sign out sheet is necessary to document the actual number of hours per week that the pupil attended.

EXAMPLE: The district has a learning lab as part of the alternative education program. The pupil is enrolled for English Composition II from 10:00 until 11:00 and for World History from 11:00 until 12:00 on Mondays, Wednesdays and Fridays. This pupil is also enrolled in Excel Spreadsheets from 10:00 until 12:00 on Tuesdays and Thursdays. That is two hours per day or ten hours per week for an annualized 360 hours ( $2 \times 180 = 360$ ). This pupil must attend the alternative learning center lab a minimum of ten hours during the count week. The FTE count for this pupils is .33 FTE (360 hours enrolled and attending / 1,098 hours required).

If this pupil does not attend the ten hours during the count week, the 10/30 day rule must be applied. If during the 10/30 days the maximum number of hours this pupil attends the learning lab is eight hours during any one week, then this pupil's FTE count becomes .26 FTE

$((8 \text{ hours} \times 60 \text{ minutes}) / 5 \text{ days}) = 96 \text{ minutes per day.}$

$((96 \text{ minutes per day} \times 180 \text{ days}) / 60 \text{ minutes per hour}) = 288 \text{ hours per year}$   
 $(288 \text{ hours} / 1,098 \text{ hours required}) = .26 \text{ FTE}$

### C. **Regulatory References**

State Aid Act:	Revised School Code:
6(4)(u-v)	380.310-1311a
6(6)(i)	
101(10)	

## **COOPERATIVE EDUCATION PROGRAMS**

A Cooperative Education Program is one in which two or more school districts have an annually written voluntary agreement to provide certain educational programs for the pupils from specified school districts. This agreement may be between two or more local school districts or the agreement may be between an intermediate school district and its constituent districts. The cooperative agreement must specify the program type, number of pupils that will be accepted from each district, how added costs will be dealt with, the means of transportation, and the agreement must specify if the educating district or the resident districts are to count the pupil.

### **A. Cooperative Programs**

A cooperative education program is aimed at a specific group of pupils with particular goals in mind. These are K12 programs that are economically more feasible through group effort and therefore may be offered to a wider range of pupils than an individual district could financially provide. The district operating the program hires the staff and bills the participating districts. Examples of cooperative agreement programs could include such programs as alternative education K12, special education, vocational education, or secondary education for pupils from a non-K12 district. The cooperative agreement serves as the release form needed by the educating district to count the nonresident pupil in membership unless otherwise specified in the agreement.

1. **Alternative Education** - A district may operate an alternative education K12 program offered to pupils from the surrounding area as part of a cooperative agreement. This alternative K12 program may be for pupils who have been expelled from school under the mandatory expulsion law that requires separation from the general population of pupils, a K12 program for pupils that have been expelled from school for any reason other than the mandatory expulsion, a K12 program for pregnant teens or teenage parents, or it may be a learning lab which offers a one-on-one environment for K12 pupils. The educating district receives the resident district's foundation allowance. An eligible pupil must:
  - @ be less than 20 years of age on September 1 of the current school year.
  - @ not have obtained a high school diploma or a GED certificate.
  - @ be 16 years of age or older on September 1 of the current school year if adult education participants are enrolled in the program.
2. **Special Education** - Several districts may enter into a cooperative agreement specifying a special education program offered at each district which is open to all special education pupils from the surrounding area whose needs, as measured

through an IEP, can be met in the specified program. This agreement must include specifics for special education reimbursement costs for the program.

- a. The cooperative program may be an all day center program with fewer than 50% of the enrolled pupils being residents of the educating district.
- b. The cooperative program may be a work based training program where a small number of pupils are trained on the job that corresponds to the classroom-training subject. Specific goals are established and the pupil is evaluated based upon those goals that are expected to be learned.

The special education pupil must be less than 26 years of age on September 1 of the current school year.

3. **Vocational Education Program** - A district or intermediate district may enter into a cooperative agreement making vocational training programs available to ninth through twelfth grade pupils in several surrounding districts; or, several districts may have a cooperative agreement that offers specific work-related training programs at each district for the ninth through twelfth grade pupils in the participating districts. The agreement must specify the training program, the class schedule for each district 's pupils, the cost of the program and the means of transportation to the class.

Vocational Education program types offer training in a skill that could lead to a future job such as, but not limited to, building and trades, allied health, auto mechanics, computer technology, cosmetology, food services, etc..

The educating district counts the pupil for membership purposes unless the cooperative agreement specifies otherwise, **except** an intermediate school district offering the vocational education program cannot count general education pupils. Eligibility to count the pupil for membership purposes must meet the following requirements:

- @ These are classes that are taught or monitored by a certified teacher.
  - @ The pupil is enrolled and evaluated on learned skills and performance.
  - @ These courses are part of the pupils curriculum used toward earning a high school diploma.
  - @ The pupil is less than 20 years of age on September 1 of the current school year **except** a special education pupil must be less than 26 years of age on September 1 of the current school year.
  - @ The pupil must not have obtained a high school diploma or a GED certificate.
4. **Cooperative Agreement to Provide Non-core Curriculum Course to Non-Public Pupils** - A district may enroll pupils that attend a nonpublic school for non-core curriculum courses such as computer labs, band, gym, calculus, Spanish III, physical education, art, etc.. If the nonpublic school is located within another public school district's boundaries, then the public school that is providing the non-core curriculum courses must have a cooperative agreement

with that **public school district** whose boundaries the nonpublic school is located within. (See Nonpublic for more information.)

## **B. Counting the FTE**

The cooperative education district counts the pupil on a pro-rata basis for that portion of time the pupil attends the cooperative program, **except** that a pupil may be counted in membership by the resident district if it is the written agreement by all parties of the cooperative agreement. ( **NOTE:** Intermediate school districts have no means of counting general education pupils such as alternative education programs or vocational education programs; therefore, the cooperative agreement would specify that the resident district count the pupil.)

1. Each district that has cooperative education pupils in attendance must maintain:
  - a. program alpha list with the pupils legal name, student ID number and the resident district name.
  - b. attendance records for such pupils
  - c. program schedule showing the sum of hours scheduled for the year.
2. The sum of the FTE counted by the cooperative district and the resident district must not exceed 1.0 FTE.
3. The residency related information for non-resident cooperative education pupils must also be reported on the SRSD.

## **C. Travel Waivers for Cooperative Education Pupils**

If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or special education program cannot receive the minimum number of hours of pupil instruction solely because of travel time between sites during the school day, that travel time (up to a maximum of 2½ hours per school week) shall be considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the Department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.

### **Example of Travel Waiver Granted:**

A high school pupil in District A attends a building & trades class twenty miles away in District B during the morning hours. This building and trades class is 150 minutes per day for 178 day, or 445 hours for the year (150 minutes X 178 days / 60 minutes = 445 hours). The pupil returns to the high school in District A for three afternoon

classes which are 55 minutes each. We allow one passing time to or from lunch and two passing times between the three afternoon classes. A reasonable length passing time could be five minutes; thus, giving the pupil 180 minutes of instructional time at the resident high school in the afternoon (5 min. + 55 min. + 5 min. + 55 min. + 5 min. + 55 min. = 180 min.). District A has a 182 day calendar made up of 175 full days and 7 partial days. Four of those seven partial days are exam days and the pupil must attend two of those four days at District A for the exams for those afternoon classes. Thus the pupil attends District A on 177 days (175 full days + 2 exam days) This pupil receives 180 minutes at the high school on 177 days for 531 hours ( $180 \times 177 / 60 = 531$ ). The 445 hours at the vocational education program plus the 531 hours at the resident high school total 976 instructional hours, which is 122 hours short of the required 1,098 hours. Section 101(8)(d) of the State School aid Act allows up to 30 minutes per day travel time **between instructional sites** to be counted as pupil instructional time if that is the sole reason that a pupil cannot meet the minimum required hours for a full time pupil. Thirty minutes per day for 178 days is 89 hours which would still leave the pupil short 33 hours. The district applies to the department for additional travel time to be counted as instructional time toward the 1,098 hours. Since thirty minutes one way for a twenty mile drive would be reasonable, the department would consider a waiver for additional travel time to be counted as instructional time. In this example, a waiver for an additional 15 minutes per day travel time would be granted for this students instructional time towards 1,098 hours.

#### **Example of Travel Waiver Denied:**

Same scenario but pupil is enrolled in **two** fifty-five minute classes in the afternoon. In that instance the pupil receives 120 minutes of pupil instruction on 177 days (5 min. + 55 min. + 5 min. + 55 min. = 120 min.) or 354 hours for the year. The 445 hours at building and trades plus the 354 hours at the high school is a total of 799 hours, which is 299 hours short of the required 1,098 hours. The travel time to and from the building and trades class for 178 days totals 178 hours. This does not begin to meet the minimum required hours; therefore, a waiver would be denied **and** travel time would not be countable because it is **not the sole reason** that this pupil did not meet the minimum required hours. This pupil's FTE count would have to be pro-rated ( $799/1,098 = .73$  FTE).

#### **D. Regulatory References**

<u>State Aid Act Sections:</u>	<u>State School Code Section:</u>
3(3)	380.627
6(4)(a) and (t)	
101(8)(d)	

### **HOME BASED**

A pupil who has been suspended or expelled from school as the result of a disciplinary action may be educated at the pupil's home or at a neutral site away from the general school population. This **individualized program** is considered home based. Home based instruction must be the result of disciplinary action, determined to be the best placement



for instruction for the pupil, and authorized in writing by the district superintendent and the district alternative or disciplinary education supervisor.

The district must provide appropriate instruction (as described below) in the pupil's home, or at a neutral site and may count the pupil on a pro rata basis if all of the following are met:

- @ the district provides two non-consecutive hours of instruction per week to the pupil under the supervision of a certified teacher.
- @ The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.
- @ Course content is comparable to that of the alternative education program.
- @ Credit earned is awarded to the pupil and placed on the pupil's transcript.

A pupil who has been expelled pursuant to Revised School Code 380.1311(2) (mandatory expulsion) may receive home based instruction. **Mandatory suspension or expulsion** is required for bringing a dangerous weapon to school, committing an act of arson, or committing a criminal sexual assault in a building or on the school grounds. Separation of such a pupil from the general population is necessary and education may be provided through an alternative education program or through an individualized schedule at the pupils home or at a neutral site. A pupil that has been expelled under the mandatory expulsion requirements and is educated through an individualized home based program may be counted for a **full membership** if the four requirements above are met.

### **Regulatory References**

<u>State Aid Act Sections:</u>	<u>Revised School Code Sections:</u>
6(4)(u)	380.1311

### **HOMEBOUND/HOSPITALIZED**

Each local or intermediate school district must provide **homebound/hospitalized instructional services** to an enrolled pupil who is certified by the pupil's attending physician, hospital, or licensed treatment facility as having a medical condition that requires the pupil to be hospitalized or to be confined to the home during regular school hours for a period longer than five school days. This includes pupils in psychiatric hospitals, substance abuse centers, or pupils placed in other medical facilities by the parent or medical practitioners.

#### **A. School District's Responsibilities**

The district must, within three days after being notified, make arrangements to provide these services if the following happens:

- @ The pupil is enrolled in the school district and assigned to an appropriate regular or special education program.
- @ The pupil is unable to attend school because of an illness or injury.

- @ The pupil's attending physician certifies a medical condition that requires that the pupil be confined to the home or hospitalized during regular school hours.
- @ The pupil is physically able to participate in instructional activities while at home or in the hospital.
- @ It is anticipated that the pupil will be homebound or hospitalized for at least five consecutive school days.

These are services to assist the classroom teacher(s) in communicating with the pupil in the pupil's absence from the classroom. The district is responsible for the content of the instruction, providing textbooks and other materials related to the instruction, providing assignments, as well as grading the pupil's performance. To provide these services, a district may:

- @ Assign the pupil's teacher(s) or other teacher(s) employed by the local district to provide the service.
- @ Employ a substitute teacher to provide the services.
- @ Contract with another district or an intermediate district for the provisions of services.
- @ Contract with a hospital, treatment center, or other health care facility which employs a certified teacher.
- @ A certified special education teacher must provide the service for pupils who have been determined eligible for special education homebound and hospitalized service under the provision of Rule 340.1746 of the Michigan Administrative Code.
- @ Any certified teacher may be contracted for the service for regular education pupils when hospitalized out of state or in Canada.
- @ Use a telecommunication link with the school, or computer programming.
- @ Use electronic equipment such as video recording equipment, talking books and equipment from the Library of Michigan, or voice activated tape recorders.

**NOTE:** It is not the purpose of these services to replace a public classroom teacher or to provide payment for nonpublic school programs housed in hospitals or treatment facilities. Pupils enrolled in these nonpublic school programs do not qualify for homebound or hospitalized services. Nonpublic school services are excluded from public funding under the provisions of Section 2 of Article 8 of the Constitution of Michigan of 1963.

## **B. Requirements for Counting Membership**

A local or intermediate school district may count a pupil for membership as homebound/hospitalized if the district has evidence that all the following occurred:

1. An appropriate physician, hospital, or licensed treatment facility certified the pupil as homebound/hospitalized. Evidence must consist of one of the following:
  - @ Written certification from the pupil's attending physician verifying that the pupil has a medical condition that requires the pupil to be hospitalized or to be

confined to the home during regular school hours for a period of longer than five school days. The certification must be by a physician who is either an M.D. or a D.O. Psychologists, chiropractors, or other professionals may not certify a person as eligible.

Example: Pregnancy is not considered a medical condition under the homebound/hospitalized provision; however, complications with the pregnancy which may endanger the mother or the fetus may be considered a reason for homebound/hospitalized services.

@ Written certification from a hospital or a licensed treatment facility verifying that the pupil has a medical condition that requires the pupil to be hospitalized in the facility during regular school hours for a period of longer than five school days.

2. A certificated teacher provided a minimum of two 45-minute periods of instructional service per week for a regular education pupil; or, a certified teacher provided a minimum of two one-hour non-consecutive periods of instructional service per week for a special education pupil whose individualized education program (IEP) calls for homebound/hospitalized services. A certificated special education teacher must provide instructional service if required by the individualized educational planning committee (IEPC).

**NOTE:** Michigan pupils who are hospitalized outside the State of Michigan are eligible provided that they are seen by a teacher who is certificated in the jurisdiction where the hospital is located.

3. The pupil received instructional service during the count period, and there must be appropriate attendance records showing the dates and the amount of time the pupil received homebound/hospitalized services. Attendance records must be signed by the certificated teacher providing the service.
4. The teacher(s) of record must:
  - @ Record the pupil as having an absence on the count day. It is also helpful if the teacher(s) of record make a note in the attendance book that the pupil was receiving homebound/hospitalized instructional service.
  - @ Provide the instructional content to the pupil through the homebound/hospitalized teacher.
  - @ Provide necessary instructional materials such as textbooks and work pages.
  - @ Give the grade for the class or subject.(The teacher(s) of record is the district program or classroom teacher(s) the enrolled pupil was originally assigned to within the district.)

### **C. Nonpublic Shared Time Pupils**

Pupils from a nonpublic school or home schooled that are enrolled part-time in a public school may receive homebound/hospitalized services **only for** those non-core curriculum courses that the nonpublic or home schooled pupil is enrolled in at the public school at the time. Parents or the nonpublic school are responsible in providing homebound/hospitalized services for those core curriculum courses that are provided at home or at the nonpublic school.

#### **D. Regulatory References**

<u>State Aid Act Section:</u>	<u>Administrative Rules:</u>
<u>109</u>	340.5(1)
	340.1746

"Homebound and Hospitalized Services for Public School Pupils" issued by Michigan Department of Education - May 1, 1997

### **NONPUBLIC PART-TIME PUPILS and HOME SCHOOLED EXEMPTION 3(A) PUPILS**

A nonpublic pupil who attends a private, denominational or a parochial school or a pupil that is home schooled under exemption F may be enrolled on a part-time basis in grades 1-12 in nonessential elective courses provided by a public school. Subject to a district's enrollment policy (i.e., course prerequisites, deadlines, etc.), the public school's nonessential elective courses that are offered to public school pupils *must* be offered to resident nonpublic school pupils or home schooled pupils upon request. The district *may* also choose to offer these elective courses to nonresident nonpublic pupils without obtaining approval from the pupil's district of residence.

#### **A. Requirements for Enrollment**

The nonpublic pupil, home schooled pupil and the public school district must meet specific requirements in order for the pupil to be eligible for part-time membership purposes. A district may enroll a nonpublic pupil or home schooled pupil under the following criteria:

1. **The pupil that is enrolled in a nonpublic school:**
  - @ The nonpublic school has met the reporting requirements of the Nonpublic School Act
  - @ The nonpublic school is located within the boundaries of the public school district,
  - @ The nonpublic school is located in a contiguous district and there is a cooperative agreement with that contiguous district.
  - @ The public school is providing nonessential elective courses such as band, art, computers, domestic science, vocational education, special education, driver's education, and advanced level courses.

2. **The pupil is home schooled under exemption 3(a) or exemption F**

- \_\_\_\_\_ @ The pupil is home-schooled and resides within the public school district.
- @ The pupil is being home schooled by a parent or legal guardian.
- @ The pupil is enrolled and attending the public school for nonessential elective courses such as band, art, computers, domestic sciences, vocational education, special education, driver's education, and advanced level courses.

Courses that are considered essential to a pupil's curriculum (pursuant to the *Snyder v Charlotte* court case), and thus are *not eligible*, include math; reading; English; social studies; science; writing; the Constitution of the United States; the Constitution of the State of Michigan; and the history and present form of civil government of the United States, the State of Michigan, and the political subdivisions and municipalities of the State of Michigan. (NOTE: *Auxiliary or Title I* programs are *service* programs and do not generate state aid foundation funding.)

3. **The public school**

- \_\_\_\_\_ @ The course(s) being provided must also be offered at the public school to the regular public school pupils in the minor's grade level or age group as part of their minimum hours of instruction.
- @ The course length and grading system must also be similar to that of the course offered to public school pupils.
- @ Only non-essential elective courses for pupils in grades 1 through 12 may be provided. (Note that kindergarten is ineligible.)
- @ The instruction must be scheduled to occur during the regular school day.
- @ The instruction must be taking place within the boundaries of the public school district or a contiguous district under a cooperative agreement.
- @ The instruction must be provided directly by an employee of the district or an ISD.

**B. Educational Site**

Nonpublic part-time classes may be provided to nonpublic school pupils at the public school district site or at the nonpublic school district site; however, programs operated at the nonpublic school site must be developed under conditions consistent with the decision in the *Agostini v. Felton* court case and also in accordance with provisions in Section 166b of the State School Aid Act.

**C. Calculating the FTE**

The calculation of the part-time membership for each class is computed by dividing the instructional hours scheduled for the class by the minimum number of required instructional hours for the school year.

**Example 1:** A pupil is home schooled but wants to enroll at the public school for band and German III class. He attends the class for German III at zero hour. The class

period is 45 minutes per day, five days a week. He is enrolled in first hour band. Band is for 55 minutes every day. This nonpublic pupil attends the public school 105 minutes per day (45 minutes for German III + 5 minutes passing + 55 minutes for band) and is scheduled for 180 days. The membership count for this part-time pupil is .29 FTE.  $((105 \text{ minutes}/60) \times 180 \text{ days}) / 1,098 \text{ hours} = .2868852459$

**Example 2:** A parochial school in District A would like the public school to provide a computer course to its middle school pupils, grades 5-8, for one semester. District A does not have room in its buildings to offer such a course. District B, District A's neighboring district, has a teacher and a lab that is available for one hour per day during the first semester. District B makes a cooperative agreement with District A to provide the computer class to the parochial school for one hour per day during the first semester. District B counts the membership for those pupils for that hour. The parochial school has 35 pupils in grades 5-8 that take the 60 minute compute class for 90 days. Each membership count is .08 FTE.

$((60 \text{ minutes} / 60 \text{ minutes per hour}) \times 90 \text{ days}) / 1,098 \text{ hours} = .0819672$

#### **D. Regulatory References**

<u>State Aid Act Sections:</u>	<u>Administrative Rule:</u>
6(4)	340.6(b)
6(6)	
166b	

Michigan Revised School Code Section 380.1561

The Nonpublic School Act, Public Act (PA) 302 of 1921

#### Court Cases:

- \_\_\_\_ Agostini v. Felton, \_\_\_\_ U.S. \_\_\_\_, 117 S.Ct. 1997, 138 L.Ed.2d 391 (1997)
- \_\_\_\_ Clonlara v. State Board of Education, 442 Mich 230, 242 (1993)
- \_\_\_\_ Snyder v. Charlotte Public Schools, 421 Mich 517, 365 NW2d 151 (1984)
- \_\_\_\_ School District of Traverse City v. Attorney General, 384 Mich 390, 185 NW2d9 (1971)

### **PART-TIME PUPILS**

#### **A. Definition**

A **part-time pupil** is a pupil in grades one through twelve enrolled and scheduled for fewer than the minimum number of hours of pupil instruction, who does not meet the requirements and has not been approved for a reduced schedule, but meets all other state aid membership eligibility requirements. A part-time pupil may be enrolled and attending more than one local school district, the intermediate and a local school district, or a public school academy and a local school district.

A part-time pupil differs from other pupils that may attend on a part-time basis as follows:

- @ A cooperative education pupil who is a full-time pupil who attends the second district as part of a cooperative agreement between two districts (see Cooperative Education Program).
- @ A nonpublic shared-time pupil who is enrolled in a nonpublic school or is home schooled under exemption F and only eligible for non-essential elective courses (see Nonpublic Shared Time).
- @ Split scheduled pupils that attend two or more **buildings** within the same district.  
HOW DOES THIS GET TO BE PART-TIME?

## **B. Requirements for Counting Membership**

A local or intermediate school district may count a pupil for a part-time membership if the district has evidence that all the following has occurred:

- @ The pupil is enrolled and attending one or more classes in the district and is earning credit toward a high school diploma.
- @ The sum of the total FTE for a pupil that is enrolled in more than one district does not exceed 1.0 FTE. The FTE for a pupil that is enrolled and counted by more than one district, but not as part of a cooperative agreement, must be determined as follows:
  1. The sum of the hours the pupil is enrolled and attending in both districts exceed the minimum required hours - use the sum of the hours from both districts as the denominator to calculate the FTE.
  2. The sum of the hours the pupil is enrolled and attending in both districts is less than the minimum required hours, use the minimum required hours as the denominator.
- @ The nonresident pupil **must** have a release form from the resident district if the nonresident pupil is **receiving more than one-half** of his or her education from the district counting the membership FTE.

## **C. Regulatory References**

Administrative Rules:

340.6 and 340.7

# **POSTSECONDARY (DUAL) ENROLLMENT and CAREER and TECHNICAL PREPARATION PROGRAM**

The Postsecondary Enrollment and Options Act, PA 160 of 1996 as amended by PA 178 of 1997, and the Career and Technical Preparation Act, PA 258 of 2000, encourage and enable qualified pupils to enroll in courses or programs in eligible postsecondary institutions. Eligibility of pupils, courses, and institutions are defined under Section 21b, of the State School Aid Act, the Postsecondary Enrollment Act, and the Career and Technical Preparation Act. Three basic requirements must be adhered to by pupil and district for any postsecondary enrollment consideration.

- @ Local school districts **must** provide general information about the Postsecondary Enrollment Options Act and the Career and Technical Preparation Act to all pupils enrolled in grade 8 or higher by March 1 of each school year.
- @ A dually enrolled pupil **must** be enrolled and attending at least one high school course at a public school district while concurrently enrolled and attending a public or private Michigan degree-granting postsecondary institution. Such a pupil may be counted in membership by the enrolling local district.
- @ A pupil **shall not** participate in intercollegiate athletics at the postsecondary institution while he or she is enrolled under this act. A pupil who violates this subsection forfeits his or her eligibility under this act.

#### **A. Legislative Requirements vs District Options**

The Postsecondary Enrollment Act, PA 160 of 1996 as amended by PA 178 of 1998, and the Career and Technical Preparation Act, PA 258 of 2000, **require** school districts to support dual enrollment for pupils in grades 11 and 12 under the following conditions:

1. A pupil who has taken all of the MEAP High School Test and has received state endorsement in the subject areas the pupil wishes to be dually enrolled at a Postsecondary Institution and that subject is not offered through the local school district.
2. A pupil who has taken the MEAP High School Test, received state endorsement in mathematics, and has received a qualifying score on a department recognized nationally or industry job skills assessment test may dually enroll in a Career and Technical Preparation program at a Postsecondary Institution in a subject that is not offered through the vocational education program at the local or intermediate school district, or through an area-wide vocational-technical education program
3. The pupil may enroll in a postsecondary course for a subject that is offered by the local school district but is not available to the pupil due to a scheduling conflict (as determined by the local school district).
4. A pupil wishing to enroll in content areas for which there is no endorsement on the MEAP High School Test such as philosophy, religion, psychology, sociology, anthropology, computer science, or foreign language need only take all sections of the MEAP High School Test. No specific endorsement is needed for enrollment.
5. The postsecondary course(s) **must** be academic in nature, would normally apply toward satisfaction of degree requirements and may not be in the subject matter of hobby-craft, physical education, theology, divinity, or religious education. Questions regarding classification of courses as academic or activity are left to the discretion of the district and should take into account the interests and ambitions of the pupil.



The Postsecondary Enrollment Options Act and the Career and Technical Preparation Act **do not prohibit** a district from supporting any pupil in taking college courses. Districts have always had the "choice" of supporting pupils in appropriate course work which may include college courses. A local school board may elect to support college level courses or career preparation courses for any pupil if it is in the best interest of the pupil.

## **B. Requirements for Counting Pupil Membership**

A dually enrolled pupil may be counted for pupil membership purposes if all of the following requirements are met.

1. The pupil is enrolled and attending at least one high school course.
2. The eligible postsecondary institution has submitted to the eligible pupil a notice indicating the course or courses and hours of enrollment of the eligible pupil and a list of eligible charges.
3. The school district **must** pay, to the eligible postsecondary institution on behalf of the eligible pupil, **the lesser of** the eligible charges or the prorated percentage of the state portion of the school district's foundation allowance paid on behalf of that particular eligible pupil.

**NOTE:** Eligible charges are defined as: tuition and mandatory course fees, material fees, registration fees, and any late fees due to the school district's failure to make required payment according to the Postsecondary Enrollment Options Act or the Career Technical Preparation Act.

**NOTE:** A school district may pay more to the postsecondary institution on behalf of the eligible pupil than is required under the Postsecondary Enrollment Options Act or under the Career and Technical Preparation Act, and may use school operating revenue for that purpose. The eligible pupil is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment or the career and technical program that exceeds the amount the school district is required to pay.

**NOTE:** A school district may still be eligible to count a dually enrolled pupil whose postsecondary institution tuition fees are covered under parental employment fringe benefits at the postsecondary institution if all other requirements are met.

- \_\_\_4. The pupil taking a college level course that is offered by electronic means, including but not limited to, the Internet, digital broadcast, or satellite network, offered by a school district, a regionally accredited college or university, or through Michigan Virtual High School, and is sponsored by a **certified teacher**

employed by the pupil's school district in which the pupil is enrolled. Appropriate credit must be given for completion of the course, counted toward graduation and subject area required by the public school district or public school academy.

5. 50% of the postsecondary education course or career and technical preparation course **must** fall within the school district's academic year. (This means that a course/term that is in session more than 50% of the time while school is out on summer break is ineligible to be counted for dual enrollment purposes.)

#### **C. Postsecondary Enrollment or Career Technical Preparation Programs not countable**

A district may not count FTE for a pupil that is enrolled in a postsecondary institution under the following conditions:

1. The pupil has been counted for 1.0 FTE based upon the class periods the pupil is enrolled and attending at the high school. No pupil equates to more than 1.0 FTE.
2. The district does not pay the tuition and fees for the postsecondary course(s) or the career and technical preparation program course(s) **unless** the fees were waived. An example of waived fees would be if tuition were part of a parent's fringe benefit package if the parent was an employee of the institution.
3. A pupil enrolled in a college level course that is offered by electronic means, including but not limited to, the Internet, digital broadcast, or satellite network, **which is not sponsored by a certified teacher** employed by the pupil's school district.

WHAT IF THE PUPIL DROPS THE COURSE? WHAT IS THE CUT OFF IN COUNTING AND NOT COUNTING?

#### **D. How to Count the FTE for a Dually Enrolled Pupil**

A school district may require an eligible pupil to provide, on a form supplied by the school district, reasonable verification that the eligible pupil is regularly attending a postsecondary course or career and technical preparation program course.

A pupil enrolled and attending a postsecondary institution may be considered a full FTE (1.0) only if, after evaluating the pupil's hours of instruction, **one** of the following is true.

1. If the combined number of classes, that the pupil enrolled in and attending at the high school and at the postsecondary institution or the career and technical preparation program, equals the number of scheduled classes per day at the high school necessary to reach the minimum required hours for a full-time pupil then the dually enrolled pupil counts as a full membership. **Actual hours of**

**instruction do not need to be computed.** Thus, if a high school pupil would need to be enrolled in six classes at the high school to meet the minimum required hours to be a full-time pupil, then the dually enrolled pupil would need a combination of six classes in both the high school and the postsecondary institution or at the high school and the career and technical preparation program to be a full-time pupil.

EXAMPLE 1: District A's normal high school day for a full-time pupil consists of six class periods. The dually enrolled pupil is enrolled and attending two classes at the high school and four classes at the postsecondary institution for a total of six classes. This pupil would be considered a full-time pupil.

EXAMPLE 2: District B is on a block schedule. A full-time high school class schedule at District B consists of first-fourth periods on Monday and Wednesday, fifth-eighth periods on Tuesday and Thursday, first-eighth periods on Friday. Thus, a full-time pupil is enrolled and attends eight classes. The dually enrolled pupil is enrolled and attending two classes at the high school on Tuesday/Thursdays and four courses at the postsecondary institution throughout the week for a total of six classes. This does not meet the eight classes necessary to be a full-time pupil on a reduced schedule. (See 2 and 3 below)

2. If the combined number of classes that the pupil is enrolled in and attending at the high school and postsecondary institution or at the high school and the career and technical preparation program equals the normal number of scheduled classes per day at the high school necessary to meet the hours requirement of a reduced schedule (i.e., 80% of the minimum required hours) then the dually enrolled pupil counts as a full membership. **Actual hours of instruction do not need to be computed.** Thus, if a pupil who is enrolled five classes in high school classes would meet the minimum hours for reduced schedule, then the postsecondary enrolled pupil would need to take five classes between the high school and the postsecondary institution or between the high school and the career and technical preparation program to be counted as a full membership.

EXAMPLE 1: District A's normal high school day for a full-time pupil consists of six class periods. A pupil requests a reduced schedule of 80% which can be reached by enrolling in and attending five classes per day. The dually enrolled pupil enrolls and attends two classes at the high school and three courses at the postsecondary institution or career and technical preparation program for a total of five classes. This pupil would be considered a full-time pupil under the reduced schedule.

EXAMPLE 2: District B is on a block schedule. A full-time high school class schedule at District B consists of first-fourth periods on Monday and Wednesday, fifth-eighth periods on Tuesday and Thursday, first-eighth periods on Friday. A pupil requests to be placed on a reduced schedule. The reduced schedule would consist of seven classes. The dually enrolled pupil is enrolled and attending two

classes at the high school on Tuesday/Thursdays and Fridays and four courses at the postsecondary institution throughout the week for a total of six classes. This does not meet the seven classes necessary to be a full-time pupil on a reduced schedule. (See 3 below)

3. If the total hours of instruction at the high school and postsecondary institution or at the high school and the career and technical preparation program are not at least the minimum number of hours required to meet a reduced schedule, and if travel time is the key factor, then travel time that is documented by the district may also be included in the total hours of instruction. Actual hours must be calculated as explained in steps a, b and c below:

- a. Calculate the yearly hours of instruction in the public school, including the travel time to and from the postsecondary institution or the career and technical preparation program.

Example: Pupil enrolls and attends two 55 minute class periods at the high school each day plus one 5 minute passing time for a total of 115 minutes. It takes 30 minutes travel time each way to and from the college for a total of 60 minutes per day. The sum is 175 minutes per day or 525 hours per year.  
 $((175 \text{ minutes per day} / 60 \text{ minutes per hour}) \times 180 \text{ days}) = 525 \text{ hours}.$

- b. Calculate the yearly hours of instruction at the postsecondary institution by dividing the minutes per week by five to determine minutes per day. Multiply that number by the number of days of instruction in the public school to determine minutes per year. Divide that number by 60 to determine hours per year.

Example: Pupil is enrolled and attends three courses at the college. One course consists of 60 minute class period three times a week and two courses consist of 120 minute class periods twice a week. This totals 420 minutes per week.

(1 class period X 60 minutes X 3 times per week) = 180 minutes	
+ (2 class periods X 120 minutes X 2 days per week) =	<u>480 minutes</u>
	Total
	of 660 minutes

660 minutes / 5 days per week averages 132 minutes per day  
 132 minutes per day X 180 days required = 23,760 minutes per year  
 23,760 minutes / 60 minutes per hour = 396 hours per year.

- c. Add the hours in "a" to those in "b" to determine instructional hours per year.

Example: 525 hours at the high school  
+ 396 hours at the postsecondary institution  
 921 hours for the year.

If the hours in "c" above are equal to or more than the minimum required for a reduced schedule (80% of the minimum required hours), then the student may be claimed for a full membership (1.0 FTE).

If the hours in "c" above are less than the minimum required for a reduced schedule, then the pupil must be claimed for the FTE calculated by dividing the hours in "c" by the minimum hours of instruction for that school year.

**E. Regulatory References**

<u>State Aid Act:</u>	<u>Public Acts:</u>
_____ Section 21b	PA 159
	PA 160 and 161 of 1996
	PA 179 of 1997
	PA 258 of 2000
<u>Administrative Rule:</u>	
_____ 340.2(6)	

## **REDUCED-SCHEDULE PUPILS**

**A. Definition:**

A reduced schedule pupil is a pupil, in grades 9-12, whose parents have requested, in writing, that the pupil be permitted to enroll and attend high school for fewer than the minimum pupil instructional hours required for a full-time pupil; and, the pupil is

enrolled and attending not less than 80% of those minimum required hours. Such a request must be reviewed by the school counselor and deemed to be in the best educational interest of the pupil. A reduced scheduled pupil may be counted for a full membership (1.0 FTE) if the pupil meets the eligibility requirements below.

**NOTE:** A reduced schedule is acceptable for pupils participating in the Post-Secondary Enrollment Options Act. (See Post Secondary Enrollment for additional information.)

#### **B. Requirements for Counting Membership**

A local school district may count a senior high school pupil with a reduced schedule of at least 80% of the minimum required hours, if the district has evidence that all the following occurred:

1. The pupil and/or pupil's parent/guardian submitted a written request for a reduced schedule which details the reason for the request. If the pupil is under the age of 18, the request must be signed by both the pupil and the pupil's parent/guardian. If the pupil is 18 years of age or older, the request must be signed by the pupil.
2. The local school district's counselor or other authorized representative evaluated the reason for the request and determined that a reduced schedule was in the educational best interest of the pupil.
3. The local school district scheduled the pupil for at least 80% of the required minimum number of hours of instruction for the school year.

#### **C. Pupils Ineligible for Reduced Schedule**

The local school district **may not** grant a reduced schedule for any of the following reasons:

1. The local school district collectively enrolled an entire class or category of pupils on a reduced schedule basis. Reduced schedules must be considered on a case-by-case basis.
2. The local school district granted a reduced schedule because the pupil only needed less than the minimum hours or credits to graduate.
3. The local school district established an alternative education program where each pupil in the program was separately judged to need a reduced schedule.

**NOTE:** The FTE membership for any pupil receiving fewer than the minimum number of required hours of pupil instruction for a full-time pupil who does not meet the requirement for an approved reduced schedule must be computed according to part-time membership computation rules.

#### **D. Regulatory References**

State Aid Act Section: \_\_\_\_\_ Administrative Rule:  
101(7)(c) 340.10(5)

### **SECTION 105 and 105c SCHOOLS of CHOICE PUPILS**

Accepting nonresident pupils under Schools of choice is a district decision. The district must determine if the schools of choice will be specific to a building, a grade level, or a specific program. The district must also determine if the district will accept pupils from districts within the ISD boundaries (Section 105), accept pupils from districts within the boundaries of an ISD that is contiguous to the ISD of the enrolling district (Section 105C), or both. The district shall not charge tuition for pupils who are enrolled under Section 105 or Section 105C. Release forms are not a requirement for pupils enrolled under Sections 105 and 105C.

#### **A. Pre-enrollment Requirements of the District**

The district must abide by specific time-lines and comply with specific criteria in the application and selection process. Failure to meet the requirements under Sections 105 and 105C may result in a state school aid penalty.

1. A district enrolling Section 105 or Section 105C nonresident pupils must do the following:
  - @ Not later than the second Friday in August, publish the grade levels, school (building), and specific programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants. The publication must specify the place and manner of application and the dates when the applications will be accepted.
  - @ The application period must be a minimum of 15 days, ending no later than the end of the first week that school is in session.
2. The district must use a random draw system, if necessary (as required in subsection (13)) to determine which nonresident applicant will be allowed to enroll in that grade level, school (building), or specific program. Notification to the parent or legal guardian of the nonresident applicant who has been accepted for enrollment shall contain notification of the date by which the applicant must enroll in the district as well as the procedures for enrolling.
3. Not later than by the end of the first week that school is in session:
  - @ the district shall notify the parent or legal guardian of the applicants that have been accepted.
  - @ determine that positions remain available due to accepted applicants failing to enroll or because more positions were added, the district may enroll nonresident applicants from the waiting list maintained in accordance with

subsection (13), offering enrollment in the order that applicants appear on the waiting list.

**NOTE:** positions that remain available or become available after enrolling all applicants from the waiting list may not be filled until the second semester enrollment under Sections 105 or 105C; or, until the next school year. (This does not prevent nonresident tuition pupils from enrolling throughout the year.)

4. Not later than two weeks prior to the end of the first semester, the district shall publish the grade levels, school (building), of specific program, if any, for which enrollment for the second semester may be available. The district may receive applications during that two week period. By the beginning of the second semester, using the random drawing and waiting list procedures as required under Sections 105 and 105C, the district shall determine which nonresident applicant will be allowed to enroll in the district. Notification to the parent or legal guardian shall specify which grade level, school (building), of specific program, if any, for which the applicant has been accepted and the date by which the applicant must enroll in the district and the procedure for enrollment.

#### **B. Other Specific Regulations Under Sections 105 and 105C**

A district may limit the number of nonresident pupils it accepts in a grade level, school (building), or specific program, if any, and may use that limit as the reason for refusal to enroll an applicant. However, a district may not grant or refuse enrollment to an applicant based on:

- @ intellectual, academic, artistic, or other abilities, talents, or accomplishments, or lack there-of.
- @ mental or physical disabilities, except that the applicant does not meet the criteria (other than residency) that a resident must meet to be accepted for enrollment in a grade level or a specialized magnet, or intra-district choice school or program, for which the applicant applies.
- @ age, except for a program that is not appropriate for the age of the applicant.
- @ religion, race, color, natural origin, sex, height, weight, marital status, or athletic ability, or generally, in violation of a state or federal law prohibiting discrimination.

A district **may** refuse to enroll a nonresident applicant if that applicant is, or has been suspended or expelled from another district within the preceding two years.

#### **C. Eligibility to Count the Nonresident Pupil for Membership**

1. A local school district that elects to enroll pupils under Sections 105 or 105C **Schools of Choice program** may count a nonresident pupil in membership if the district has evidence that the pupil meets **one** of the following criteria:



- @ The pupil was enrolled in and attended the district in the school year immediately preceding the school year in question. A district shall give preference to this pupil, along with other school-age children who reside in the same household as the pupil.
  - @ The pupil was enrolled in and attended school in the district as a nonresident pupil in the 1995-96 school year and continues to be enrolled each school year in that district. The district shall allow this nonresident pupil to continue to enroll in and attend school in the district until high school graduation without requiring the pupil to apply for enrollment in the Schools of Choice program.
  - @ The pupil is a nonresident, but is a resident of another district within the same ISD. The local district may only count this pupil in membership if all Schools of Choice 105 requirements have been met.
  - @ The pupil is a nonresident, but is a resident of another district within an ISD that is contiguous to the educating district's ISD. The local district may only count this pupil in membership of all Schools of Choice 105C requirements have been met.
  - @ The pupil is a nonresident but has been enrolled continuously in the district since a year in which the district enrolled nonresident pupils in accordance with Section 105 or 105c.
2. A local school district that enrolls a **special education pupil under a Schools of Choice program** will become that pupil's resident district for purposes of developing and implementing an individualized education plan (IEP), and will become responsible for the education of and providing (or arranging for the provision of) services for the pupil. Section 105c (contiguous) contains an additional requirement that the choice district must enter into a written cooperative agreement with the special education pupil's resident district as to the payment of added costs associated with the pupil's programs and services will be handled.
  3. A local school district may enroll and count in membership a nonresident pupil as a parent paid tuition pupil in those buildings and/or programs which are not designated as Choice programs; or may enroll and count in membership a nonresident pupil in a Choice program after the specific deadlines have passed. To count the pupil in membership, approval from the resident district must be obtained. This pupil is not considered a Schools of Choice pupil.
  4. A local school district may participate in a cooperative education program with one or more local or intermediate districts in addition to operating a Schools of Choice program.

**NOTE:** Schools of Choice does not apply to a pupil residing in a district that does not operate all of the grades K to 12 who is enrolled in a district, other than the district of residence, in a grade that is not offered by the district of residence.

**NOTE:** A district is not required to provide transportation for a nonresident pupil enrolled in the district under Sections 105 and 105C or for a resident pupil enrolled in another district under Sections 105 and 105C. However, at the time of enrollment, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

#### **D. Regulatory References**

State School Aid Act

380.1705

380.1705C

#### **ISD SCHOOLS of CHOICE or FORMER SECTION 91 or 91a**

The pupil is enrolled in a district other than the pupil's district of residence under Section 91(a) or under an ISD's Schools of Choice pilot program under former Section 91. The pupil shall be counted by the educating district.

The pupil is enrolled in a district other than the pupil's district of residence but within the same ISD, and at least 50% of the ISD's constituent districts continue to participate in the Schools of Choice pilot program under former Section 91. The pupil shall be counted by the educating district.

#### **SPECIAL EDUCATION PRESCHOOL PROGRAMS**

Special education preschool pupils may be counted in membership if they are enrolled and receiving instruction from a certificated special education teacher based upon each pupil's individual needs as specified by the individualized educational planning committee (IEPC).

Special education preschool pupils generate two-tenths of a full-time equated membership (.2 FTE) for each day of instruction they receive per week under the supervision of a certificated special education teacher in a bona fide special education program.

Days that preschool pupils only receive services (not instruction), such as speech, occupational therapy, physical therapy, psychological or social work services, may not be counted for pupil membership purposes.

#### **A. Requirements for Counting Membership**

A local or intermediate school district may count a special education preschool pupil for membership if the district has evidence that all the following occurred:

1. The pupil's individualized education program (IEP) was on file and effective as of the count day.
2. The pupil was enrolled as of the count day in a bona fide special education preschool program that provided the minimum number of days and hours of

instruction required by the special education rules to be counted in pupil membership as follows:

<u>Program Description</u>	<u>Minimum</u>	<u>Days/Minimum</u>
<u>Hours</u>		
EMI, TMI, LD, HI, VI, POHI, SLI, EI, PPI, RR, AI	144 days/360 hours	
SMI, SSI	230 days/1,150 hours	
Nonclassroom Services* number of <u>minimum</u> of two hours per week	72 hours within the required days;	

\*Pupils not scheduled the minimum numbers of hours may not be counted as a partial membership.

3. The pupil must have been assigned to a certificated special education preschool teacher. Special education preschool pupils, whose IEP assigned them to nonclassroom services as specified in R340.1755, may be assigned to an approved ancillary and other related service staff person who provided instruction under the direction of a certificated special education preschool teacher. Evidence must exist that a certificated special education preschool teacher supervised the content of instruction.
4. The pupil received instructional service hours during the count period, documented by appropriate attendance records.

EXAMPLE A: A five year old attending an educable program five days each week is counted for a full membership.

EXAMPLE B: A three year old attends pre-primary classroom program operated 144 days and 360 hours. Since the program operates four days a week, the pupil is counted for four-fifths (.80) membership.

EXAMPLE C: A pupil receiving classroom services under 340.175 of the Special Education Rules, for one hour on Monday and one hour on Wednesday is counted for two-fifths (.40) membership.

## **B. Regulatory References**

<u>State Aid Act Sections:</u>	<u>School Code Sections:</u>
6(4)(l)	380.1711(1)(f) 380.1751(1)

Administrative Rules:

340.4(d)

340.5(l)(j)

340.7(1)

340.7(9)

340.1754

340.1755

Eligibility of Pupils in Nonclassroom Services to Preprimary Age Children for State Membership Aid, Michigan Department of Education, Special Education Interpretation

II-025, September 1991

**SPECIAL EDUCATION PUPIL TRANSITION SERVICES**

Transition service, as defined in the Individuals Disability Education Act, means, "a coordinated set of activities for a student, designed with an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community preparation."

Transition services for students with disabilities may be classified as special education

- @ if they are provided as specifically designed instruction, or related services
- @ if they are required to assist the student with a disability to benefit from special education.

Special education pupils enrolled in transition services may be counted for state school aid membership purposes

- @ if the pupil is enrolled in a public school and assigned to an instructional staff person as of the count date.
- @ if the special education pupil in the transitional service meets the requirements of the particular transition service program in which he or she is enrolled.

**A. Types of Special Education Transitional Services**

There are two types of transitional services.

1. **Community-based instruction** programs. These programs are operated away from the traditional classroom where there is not paid employment.
2. **Vocational evaluation and work activity center** services. These programs use paid employment, under a wage deviation, designed to provide vocational evaluation or therapeutic activities for handicapped persons whose handicap is so severe that their productive capacity is inconsequential. Pupils assigned to a vocational evaluation or work activity center service who are being paid for time counted in membership and must meet the following:

- @ these service must be specifically identified on the individualized education program (IEP).
- or @ must be assigned to an approved special education teacher during the time he she was receiving vocational evaluation or work activity center service.
- @ the district must verify that the vocational evaluation or work activity center services contractor, if any, has a wage deviation approved by the U.S. Department of Labor consistent with the regulations for implementing the Fair Labor Standards Act of 1938, as amended.

(Requirements for special education **work study programs** found in Work-Based Programs section.)

While school districts are responsible to develop a transition plan, they are not responsible to provide activities that go beyond the district's regular education, vocational education, or special education K-12 requirements. Activities that go beyond the K-12 requirements include postsecondary instruction, supported or sheltered employment, and adult education.

State and federal civil rights legislation requires school districts to provide persons with handicaps an equal access to adult education programs. However, these programs are not considered part of Michigan's K-12 continuum and are not used as part of the mandatory special education delivery system. Pupils with handicaps who wish to benefit from adult education programs and who otherwise qualify, must be provided equal access and will be reimbursed in accordance with adult education criteria established in the State School Aid Act. They are not considered special education pupils for the purpose of determining membership under section 6 of the State School Aid Act.

#### **B. Requirements for Counting Membership**

A local or intermediate school district may count a pupil, enrolled and attending a transitional service program, for state school aid membership as a special education transition services pupil if the district has evidence that all the following occurred:

- @ The pupil must be enrolled in the district and assigned to an instructional staff person as of the count day.
- @ The pupil must be in attendance, on a scheduled school day during the count period, under the meaningful direction and supervision of a special education teacher or under the supervision of a special education aide under the meaningful direction of a special education teacher, either at or away from school.
- @ A special education pupil assigned to a special education vocational teacher may be counted for membership in special education

- @ A special education pupil assigned to a general education vocational education programs must be counted for membership in general education
- @ A pupil placed in a sheltered workshop for work activity or prevocational evaluation or is assigned to a Work Study Coordinator is counted for special education membership under the basic classroom program assignment for the time the pupil is participating in such a program.

### **C. How to Count FTE**

A special education pupil counted for pupil membership purposes must meet the 1,098 hour requirement in order to be counted full-time.

The work activity center services must be incidental to the instructional program, i.e., less than 50 % of school time. If a pupil spends more than 50% of the time in a work activity service, the time does not count towards membership, since the pupil is in the work activity center primarily for therapy or employment, and not for the purpose of receiving instruction. When this occurs, the pupil will only receive membership for the time instruction is received under the direct supervision of a teacher.

### **D. Regulatory References**

Administrative Rules:  
340.1701b(k) and (l)

Federal Regulation 34 CFR 300.18

Michigan Department of Education Policies and Interpretations:  
"Utilization of Noncertified Personnel Elementary and Secondary" - Nov. 1, 1988  
"Employment of Special Education Pupils"

## **SPLIT-SCHEDULE PUPILS**

The FTE for a student who attends two or more buildings/programs within the same district may be split between/among the buildings/programs, at the discretion of the local school district. If the FTE is prorated between/among the buildings, that student must be identified on the building/program alpha roster as a non-conventional, split-schedule student. If the district decides to count the entire FTE at the student's primary building, then such a designation is not required.

### **A. Requirements for Counting Membership**

A district may count a student for a split-schedule membership if all of the following has occurred:

1. The district has determined the total number of instructional hours provided to the student by adding together the hours at each building/program.

2. Each building has claimed the appropriate FTE by dividing the number of hours in that building by the total number of hours calculated in #1 above.
3. The total FTE for the student (the sum of all buildings/programs) may not be more than 1.0.

**B. Regulatory Reference**

Administrative Rule:  
340.2(1)

## **SUSPENSION AND EXPULSION**

The Revised School Code provides each school board with the authority to establish a local discipline policy. Each local school board has the authority to make reasonable regulations relative to anything necessary for the proper establishment, maintenance and management of the schools in the district. Districts shall develop and implement a code of student conduct and enforce its provisions with regard to a pupil's misconduct in a classroom, elsewhere on school premises, on a bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises. Pupils guilty of gross misdemeanor or persistent disobedience may be suspended or expelled. A local or intermediate school district or a public school academy must develop and implement a code of student conduct and enforce the provisions of that code regarding misconduct [M.C.L. 380.11a, 380.1311, 380.1312]. The school district's rule's and procedures for suspending or expelling a pupil should be outlined in the student handbook adopted by the local board of education.

**A. Types of Suspensions and Expulsions**

       Suspensions and expulsions vary in the seriousness of the behavior and the length and severity of the punishment. They may range from a one-day in-house suspension to permanent expulsion. Pupils with disabilities are afforded specific due process protection in cases of suspensions or expulsions under state and federal law. If there is reasonable cause to believe that the pupil is handicapped, and the school district has

not evaluated the pupil in accordance with rules of the State board to determine if the pupil is handicapped, pupil shall be evaluated immediately (within 3 days) by the intermediate school district of which the school district is a constituent in accordance with Section 1711.

1. **Short Term Suspensions** may be 10 consecutive days or less such as a Teacher "Snap" suspension for persistent misconduct. Suspension that are for 10 consecutive days or less in length require minimal due process protection, including oral or written notice of accusation(s), explanation of evidence to support the charges, defined disciplinary measures, and an opportunity for the pupil to respond.

**NOTE:** IDEA, Section 504, stipulates that a district may suspend or expel a pupil with disabilities if it does not alter the pupil's educational placement or deny a free appropriate education. A suspension of 10 days or less does neither. (34 CFR 300.121(d)(1)) Before suspending a pupil for more than 10 days, the district must comply with the IDEA safe guards, Section 504. In *Honig v Doe*, 484 US 305 (1988), the United States Supreme Court held that a suspension of more than 10 days was a "change in placement" thus not permissible for pupils with disabilities implementing a need for districts to proceed with an IEP process.

2. **Long Term Suspensions or Expulsions** A local board of education may authorize or order the suspension or expulsion from school for a pupil guilty of a "gross misdemeanor" or "persistent disobedience" for a period up to 180 days. The pupil must be given reasonable time to prepare for a hearing. The person conducting the hearing must be impartial. Application for reinstatement depends upon the pupil's grade level and the level of seriousness of the incident.

a. **Verbal Assaults and Bomb Threats**

A pupil in grade 6 or above who commits a verbal assault, as defined by the local school board policy, against an employee or volunteer of the school district or makes a bomb threat or similar threat at a school building, other school property, or a school-related event shall be suspended or expelled for a length of time as determined by the local school board or its designee. The pupil in grade 6 or above who was expelled is subject to reinstatement after 150 days. A pupil in grade 5 or below may apply for reinstatement immediately. Reinstatement is not required.

b. **Physical Assault - Pupil to Pupil** physical assault means intentionally causing or attempting to cause physical harm to another through force or violence. A pupil in grade 6 or above who commits a physical assault against another pupil shall be expelled for up to 180 days.

c. **Physical Assault - Pupil to Employee or Volunteer** is defined, in the Michigan Compiled Laws section 380.1311a, as the act of intentionally causing or the attempting to cause physical harm to another through force or violence. Physical assault committed by pupils in grades 6 or above is a mandatory



expulsion, subject to possible reinstatement after 180 days. Physical assault by pupils in grades 5 or below is a mandatory expulsion, subject to possible reinstatement after 90 days

3. **Permanent Expulsions** a district, or the districts designee, are required to permanently expel a pupil from the district for **Weapons, Arson or Criminal Sexual Conduct**. A pupil in possession of a dangerous weapon in a weapon free school zone, for committing arson in a school building or on school grounds, or for committing criminal sexual conduct in a school building or on school grounds.

Such an expulsion must be entered into the pupil's permanent record. The pupil expelled under section 380.1311(2) must be separated from the general pupil population and is expelled from all public school districts within the state until such time of reinstatement under section 380.1311(5). A pupil in grade 6 or above may apply for reinstatement after 180 days; pupils in grade 5 or below may apply for reinstatement after 90 days.

Dangerous weapons are defined as a firearm, dirk, dagger, stiletto, iron bar, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, and brass knuckles. Firearm is defined under the federal Gun-Free Schools Act of 1994 as:

- @ any weapon (including a starter gun) which will or is designed or may readily be converted to expel a projectile by the action of an explosive.
- @ the frame or receiver of any such weapon
- @ any firearm muffler or firearm silencer
- @ any destructive device.

A school board, or the district designee, is not required to expel the pupil if the pupil can establish in a clear and convincing manner at least one of the following:

@ the object or instrument possessed by the pupil was not possessed for use as a weapon, or for a direct or indirect delivery to another person for the use as a weapon.

@ the weapon was not knowingly possessed by the pupil.

@ the pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

@ the weapon was possessed by the pupil at the suggestion, request or direction of, or with the express permission of school or police authorities.

Before reinstating an expelled pupil, the district school board may require the pupil and parent(s), or legal guardian, to agree in writing to specific conditions such as, but not limited to

@ a behavioral contract involving the pupil, the parent or legal guardian, and an outside agency.

@ participation in an anger management program or other appropriate counseling.

@ periodic progressive reviews.

@ specified immediate consequence for failure to abide by the conditions.

**B. Membership Eligibility for Suspended and Expelled Pupils** The district may provide the pupil with an education or the district may contract with another district or the intermediate district to provide the education for a suspended or expelled pupil.

In order to count the suspended or expelled pupil for membership purposes a district must show the fulfilled the requirements below.

1. Pupils on Short Term Suspensions (10 days or less) is conducted much like an "in-house suspension", and the following must occur:
  - @ the attendance book of the teacher of record must show the pupil was absent from class due to suspension.
  - @ the pupil must be supervised by certified staff with attendance taken where pupil is served.

2. Pupils on Long Term Suspensions or Expulsions (up to 180 days) The parent or legal guardian of a general education pupil who has been suspended or expelled is responsible to find an educational program for that pupil. The district may choose to educate a pupil on long term suspension or expulsion through an in-house suspension program with a certified teacher or in an alternative education program itself. The alternative education program may be operated by the expelling district itself or contracted through another local school district or through the intermediate school district. In order to count such a pupil for membership purposes the following must occur:

- @ attendance must taken where the pupil is served
- @ pupil instruction must be provided by a certificated teacher
- @ instruction must be academic in nature and leading to credit toward grade progression or a high school diploma.
- @ non-resident pupils who have been suspended or expelled from the resident district may be counted for membership purposes without a release from the resident district.
- @ membership is pro-rated based upon the minimum required hours of pupil instruction for grades 1-12.

3. Pupils who have been permanently expelled A pupil who has been permanently expelled from the district pursuant Sections 380:1311 or 380:1311a is expelled from all public school districts in Michigan. A district that operates or participates in an alternative education program appropriate for such a student may enroll the pupil if the pupil has petitioned the expelling district for reinstatement and reinstatement has been granted.

a. The expelling district may enroll a pupil in an alternative education program through a cooperative agreement with an intermediate school district or with another local school district. The expelling district counts the pupil for membership purposes. The FTE for such a pupil is prorated based upon the actual annualized hours the pupil is enrolled and in attendance on the count date as bears to the minimum required hours for a full-time pupil.

b. The expelling district may provide the pupil with individualized instruction following the home-based procedures.

@ The expelling district may provide the pupil with instructional time with a certified teacher at a site off campus or at a site on campus that no other pupil from the general population will come into contact with the expelled pupil during the regular school day. This means that instruction may take place at the public library or in the counselor's office after school.

@ The expelling district may determine that the best educational environment is an individualized environment in the pupil's home.

The district must provide the pupil with a minimum of two non-consecutive instructional hours per week under the supervision of a certified teacher for either option listed above. In order to count such a pupil, the district must ensure the following occur:

@ the pupil is enrolled in the district for the purpose of receiving instruction.

@ the district works with the pupil to develop an instructional plan for self study.

@ the district provides the textbooks and other instructional materials.

@ a certified teacher provides a minimum of two non-consecutive hours of direct pupil instruction per week.

IS THIS PRO-RATED OR FULL FTE?

**C. Regulatory References:**

Revised School Code  
\_\_\_\_ 380:1310 - 1313

Public Acts  
PA 102, 103 and 104

State School Aid Act  
\_\_\_\_ section 6(4)(u)

**MICHIGAN VIRTUAL HIGH SCHOOL  
and**

## DISTANCE LEARNING

Virtual Learning is a non-traditional method of receiving pupil instruction for courses that are taken via the Internet. These courses may be offered at the district during the day as a scheduled class period with a certified teacher available; or, these courses may be offered at a community college as a dual enrollment course or at home before or after school hours with an on-site teacher mentor for assistance and evaluation. The program must meet the minimum guidelines to qualify for membership purposes. Those minimum guidelines are as follows:

- @ The pupil must be in high school (grades 9-12) or in a comparable age group and less than the age of 20 on September 1 of the current school year.
- @ The course must be approved by the local school board and must generate credit toward the pupil's diploma in order to count toward the pupil's membership.
- @ An on-site teacher mentor must be assigned to the pupil and the virtual course, who will be available to the pupil for assistance and to monitor the pupil's progress in the virtual course. The on-site teacher mentor would be responsible for reviewing any final exam or project that would indicate the pupil's progress in the course. The site mentor and course will appear on the pupil's class schedule.
- @ There is a limit of two courses per semester per pupil and the pupil must be enrolled in and attending at least one course offered by the district in which credit is earned and regular attendance is required.
- @ Each course will count as one class in the pupil's schedule and will generate that portion of an FTE membership that a comparable course offered by the high school would generate.
- @ The district must pay associated tuition charges for the course similar to the tuition requirement for dual enrollment as described in Section 21b of the State School Aid Act.

The district may make additional requirements for pupils to be enrolled in such a class.

The **traditional** pupil must be enrolled and in attendance on the appropriate count day (September or February) or in the 10/30 day rule during the class time designated for the course on the pupil's schedule.

The **homebound/hospitalized** pupil who has a medical reason for attending school must already be receiving one hour session twice a week for other subject matters which would have already generated a full FTE membership count. Virtual learning courses do not generate any additional pupil membership count for this type of pupil.

The **mandatory expulsion pupils** who have been required by state law to be expelled from public school may also receive instruction through a home-based program and be receiving a one hour instructional session twice a week to be counted for one full 1.0 FTE. This pupil would not generate any additional pupil membership count for these courses. However, such a pupil being educated in an alternative education setting where several pupils are enrolled and whose membership is pro-rated could count these courses toward their membership.

## WORK-BASED EDUCATION PROGRAMS

A bonafide work-based educational program is one which provides pupils with a combination of school-based preparation and supervised work experiences designed to enable pupils to acquire attitudes, skills, and knowledge for career and other life roles in real work settings. Its purpose is to teach social and technical skills, develop a sense of personal responsibility, explore career options, gain job/site specific skills, foster relationships with adults, and understand the relevance of and the application to academic learning. There are six major types of work-based learning experiences: student/visitor, volunteer, unpaid trainee, student learner (also referred to as a work study), registered apprentice, and employee. These learning experiences may be one hour, one day, one semester or even one year in length. The learning experience may be paid or unpaid, serve special education pupils and general education pupils. Work-based experiences **must** meet the following:

- @ be academic in nature
- @ be for the benefit of the pupil
- @ supervised by certified staff
- @ not violate the Fair Labor Standards Act

Any **in-school-placement** for any pupil of any age must have as its primary purpose be educational in nature and primarily of benefit to the pupil. It must be supervised by certified staff and not violate the Fair Labor Standards Act.

Local and intermediate school districts are responsible for determining the maximum number of hours spent at the worksite which can be counted toward the minimum hours of instruction. However, federal and state regulations do restrict pupils 13 years of age or younger are to a 5 hour per week, 1 hour per day, limitation. Pupils 14 -15 years of age are limited to no more than 3 hours per day, 18 hours per school week or 40 hours per non-school week. State regulations restrict the sum of school hours plus work hours to 10 hours per day for 16 - 17 years of age.

### **A. Requirements The District Must Meet to Count Membership**

— A local or intermediate school district may count a pupil for work-based education membership if the district has evidence that all of the following requirements for the work-based education program in which the pupil is enrolled have occurred under the supervision and monitoring of a certified teacher.

1. It is the school district's responsibility to provide supervision of the student-learner work experience and monitor the pupil's work at the work site. The **certified teacher/coordinator** must do the following:

- i. locate prospective training stations.
- ii. do an evaluation of the potential work site
- iii. prepare and hold employer orientation workshops
- iv. observe safety conditions on the job.
- v. confirm worker's compensation coverage and liability insurance
- vi. prepare training agreements

- vii. develop training plans
  - viii. confer with employer for instructional needs of student-learner
  - ix. confer with student-learner at work sites
  - x. maintain teacher-coordinator records
  - xi. handle student-learners' work/school problems
  - xii. maintain student-learner wage and hour records
2. The district must have a **written training agreement** (also referred to as a work-study plan) which specifies the responsibilities of the pupil, employer, parent(s), teacher coordinator, and school district. The training agreement must also contain the following information:
- @ Student learner's personal information: employee's name, home address, telephone number, and date of birth
  - @ School's name, address and telephone
  - @ Employer's name, address and telephone

Some of these items would be applicable for in-school placements:

- @ List of educational goals (especially for student learner/work study)
- @ List of job activities that will contribute to the student learner's progress
- @ List of employer, school, and student learner responsibilities
- @ The beginning and ending dates of agreement
- @ The eligible hours to be worked (with beginning and ending times)
- @ The beginning rate of pay (where applicable)
- @ A list of related subjects that correlate to this placement.
- @ Signature of teacher/coordinator, student learner, parent/guardian, and supervisor.

**NOTE:** #2 does not apply to students placed in school facilities.

3. The district must complete a **training plan** which details specific job tasks to be learned by the pupil at the worksite. The training plan must demonstrate how the pupil's employment is related to the pupil's instruction.
4. The **general education pupil** enrolled in a program-related instruction for a minimum of 120 hours per year must also have at least one 40 - to - 60 minute session required per week, in addition to time required at the worksite.

The **special education pupil** enrolled in a work-study program instruction must concurrently be or previously have been enrolled in a vocational education program related to the work-based education.

5. The employer or coordinator must **maintain and verify** records of the pupil's **attendance**.
6. A **regular visitation plan**, with a minimum of at least two visits per month, should be developed with each employer. These visitations are to check the pupils

attendance, evaluate the pupil's progress, and to evaluate the site in terms of health, safety, and welfare of the pupil. More visits may be required depending upon the student-learner's progress and needs, the supervisor's experience with working with student-learners, and other factors.

7. The **number of worksite hours** counted for membership must not exceed the maximum number of worksite hours allowed to be counted for membership, as determined by the district. The student-learner shall be employed not less than 15 hours per week during the effective time of the individual student-learner training agreement..
8. The general education pupil is **granted high school credit** toward graduation for time spent in the work-based program.

There are **six basic types of work-based learning experiences**. Not all work-based learning experiences generate pupil membership.

**B. Work-based experiences that do not generate membership counts**

Some work-based learning experiences are simply for career awareness and are meant as an extension of the pupils regular classroom studies. Below are the three major types of work-based learning experiences which do not generate pupil membership.

1. **Student/Visitor** is a school sponsored activity for the sole purpose of observing various aspects of the job. The guidelines have been established as to what the pupil is expected to see. No work is performed on the pupils part. This type of work-based experience is accomplished through a field trip, job shadowing, work observation, or a day on-the-job consisting of no more than 5 hours per job experience. This is an unpaid experience requiring parent permission. This type of work-based experience does not generate membership fte but is an extension of classroom studies.
2. **Volunteer** is an unpaid service learning activity with a non-profit organization for public or community services or humanitarian objectives. A specific role and set of responsibilities are detailed for the pupil's experience. Such activities may be with girls scouts, boy scouts, or a 4-H club. The experience may take place at sites such as hospitals, nursing homes or Habitat-for-Humanity. Pupils **cannot** be required to participate as a volunteer and commercial businesses may not use unpaid volunteers. A work permit is required. This program cannot generate pupil membership.
3. **Employee** a pupil may be employed after school or throughout the summer by a private or public employer such as a farmer or a restaurant. The pupil receives payment for services rendered and there is no scheduled ending date. There is no structured relationship between the pupils employment and school. The pupil

needs a work permit if less than eighteen years of age. The employer must follow the state and federal child labor laws. This work-based learning experience is not \_\_\_\_\_ countable for pupil membership purposes.

**C. Work-based learning experiences that generate membership counts**

Some work-based learning experiences, also referred to as cooperative education or career and technical education (vocational education), are coordinated through the school district with an employer under the supervision of certified staff member. The central purpose of these work-based learning experiences are to use real jobs as a source of learning. The mission is to help pupils gain competitive occupational skills by linking program/classroom basics and skill training with carefully supervised on-the-job training and performance. A pupil earning credit toward a high school diploma in an approved work-based education program which involves supervised work and related school instruction may be counted in membership if the requirements that pertain to that particular program type are met. The three basic work-based type learning experiences that may generate pupil membership fte counts are listed below.

1. **Unpaid Trainee** is an exploratory experience under the supervision of the classroom teacher. The school district must have a written training agreement with the employer. The business allows the pupil to work directly with the employer or with an employee to gain exposure to a particular occupation. The teacher, with the aid of the employer, creates a training plan establishing the specific tasks that are to be met by the pupil, specifies the role the employer and the on the job designated trainer, the role of the parents, and the responsibilities of the school. The high school certified staff member monitors the worksite activity for compliance.

The unpaid trainee has the status of trainee and does not replace an employee. There is no direct benefit to the employer. The trainee is not guaranteed a job and is not entitled to wages. The unpaid trainee position runs concurrent to related classroom instruction for a maximum of 45 hours. Attendance must be taken and the certified teacher must oversee the job and evaluates the pupil's progress.

(DOES THIS MEAN POTENTIALLY THREE JOBS A SEMESTER?)

2. **Student/Learner with Training Plan** (also referred to as a Work Study for special education pupils) is paid work experience which is part of the pupil's educational plan. This is a cooperative education program under the supervision of the certified teacher which may take place during the regular school year or throughout the summer. This training program must have a training agreement with the employer as well as a training plan. The training plan must include the length of the employment (beginning and ending dates) up to 90 days, details the specific job tasks to be learned by the pupil while on the job, and identifies the responsibilities of employer. The certified teacher, or staff member, must monitor the pupil's attendance and the pupil's on-the-job progress. A minimum of two monthly visits at the work site are required. A work permit is not required.



**3. Registered Apprentice (Employee with a Training Plan)** is a paid work experience in a craft recognized as an apprenticing trade and is registered by the Bureau of Apprenticeship and Training in accordance with the standards established by the Bureau. This vocational education program must be under the supervision of a certified teacher, or certified staff member of the school district, and requires a training agreement with the employer as well as a training plan for the pupil. The training plan must specify the length of employment (beginning and ending dates), detail the specific skills or tasks to be learned by the employee, and identifies the employers responsibilities. The certified teacher, or certified staff member, must monitor the pupil's attendance and the pupil's on-the-job progress. A minimum of one on-the-work-site visit is required every 20 days. A minimum of one 40-60 minute session per week is required to be spent in general education instruction on topics that are specific to the training program. The time spent in this general education session may be counted toward the 120 hours for this program. No work permit is required.

**NOTE:** All work-based education programs may count travel time up to 2.5 hours per week if necessary for the pupil to receive the minimum instructional hours. Districts that can verify that travel time is the sole reason that a pupil cannot meet the minimum required hours may apply to the Department of Education for a travel waiver .

**D. Regulatory References**

\_\_\_\_ Administrative Rules:

\_\_\_\_ 340.5(1)(c)  
\_\_\_\_ 340.1733(m)

"Cooperative Education Plan Guidelines for Career and Technical Education" published by the Michigan Department of Education